



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 04 2005

4WD-RCRA

FILE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Kreger, Compliance Manager
Perma-Fix Environmental Services
10100 Rocket Boulevard
Orlando, FL 32824

SUBJ: Notice of Acceptability Pursuant to the CERCLA Off-Site Rule
Perma-Fix of South Georgia
EPA ID Number GAD 093 380 814

Dear Mr. Kreger:

The U.S. Environmental Protection Agency (EPA), Region 4 has made an affirmative determination of acceptability for the receipt of CERCLA Off-Site wastes at the **Perma-Fix of South Georgia facility (Perma-Fix) located at 1612 James Rogers Circle in Valdosta, Georgia.** The CERCLA Off-Site wastes to which this Notice of Acceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule found at 40 C.F.R. § 300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, by adding section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA section 121(d)(3), and incorporates many provisions of the November 13, 1987, Office of Solid Waste and Emergency Response Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard.

On December 3, 2004 and on January 26, 2005, the Georgia Environmental Protection Division (GA-EPD) conducted RCRA compliance evaluation inspections at Perma-Fix in Valdosta, Georgia. Violations of RCRA were discovered during those two inspections. On January 31, 2005, and on April 18, 2005, GA-EPD issued two Notices of Violation (NOV) for the violations cited in the December 2004 and January 2005 inspections. On July 6, 2005, Perma-Fix and GA-EPD entered into a Consent Order (EPD-HW-1605) in which Perm-Fix agreed to pay a penalty of \$25,000 and perform specified tasks. These inspection reports, NOV's and the Consent Order are incorporated by reference here.

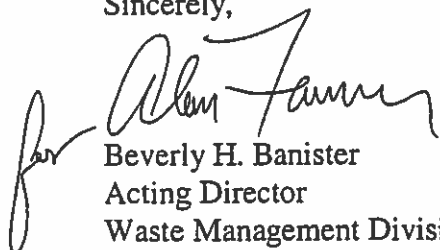
On July 7, 2005, EPA sent Perma-Fix a Notice of Unacceptability (NOU) for specified relevant violations under the Off-Site Rule. That NOU gave Perma-Fix sixty (60) calendar days to come back into physical compliance. Prior to the September 6, 2005 deadline imposed in the NOU, EPA gave Perma-Fix a thirty (30) calendar day extension to the NOU to October 6, 2005. This extension was to provide GA-EPA additional time to review documents submitted to them by Perma-Fix.

Based on recent telephone conversations between EPA and GA-EPD personnel, Perma-Fix has paid the assessed penalty in full, and has come back into physical compliance for the violations cited in the above documents. **Therefore, effective upon receipt of this letter Perma-Fix in Valdosta, Georgia is acceptable to receive CERCLA Off-Site waste.**

Please note that this determination is subject to the accuracy and completeness of the information provided by both facility representatives and regulatory personnel. Additionally, EPA would like to make it clear that this affirmative determination of acceptability does not, and cannot, grant any facility the right or authority to exceed any of its permit or license provisions; receive any waste not allowed by its permits or licenses; or violate any local, state or federal law, rule, regulation or ordinance. Specifically, this determination does not supersede, limit, conflict with or set aside the requirements of any environmental program.

Should any new information affecting this determination develop, EPA reserves its right to revisit this decision. Please note that the CERCLA Off-Site status for a facility is dynamic in nature and is subject to change. EPA reserves its right to rescind this Notice of Acceptability pursuant to the Off-Site Rule if necessary. If you have any questions concerning this matter, please contact Jack Cowart of my staff at (404) 562-8591 or cowart.jack@epa.gov.

Sincerely,



Beverly H. Banister
Acting Director
Waste Management Division

cc: Mark Smith, Georgia EPD
Amy Potter, Georgia EPD



18550 Allen Road • Brownstown, MI 48192
(734) 282-9250 • Fax: (734) 282-1655 • Toll Free: 1-800-282-9251

August 22, 2005

VIA FACSIMILE AND OVERNIGHT DELIVERY

Mr. Jack Cowart
Waste Management Division
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

RE: Notice of Unacceptability for
Perma-Fix of South Georgia in Valdosta, Georgia

Dear Mr. Cowart:

This letter is to advise you that Perma-Fix of South Georgia has resolved all remaining issues concerning the Notice of Violations received from the State of Georgia.

As of July 12, 2005 Perma-Fix entered into a consent agreement with the Hazardous Waste Management Branch of the Georgia Department of Natural Resources. At which time Perma-Fix settled all monetary obligations and addressed all issues as noted in the violations. This included the development, implementation and submittal of two separate work plans. Copies of these plans are enclosed for your review and file.

Based on the above Perma-Fix of South Georgia believes it has successfully fulfilled its requirements with the State of Georgia for the facility to return to a compliant status. We also do not feel it will be necessary to schedule a separate meeting with your office as requested earlier by Perma-Fix.

We therefore respectfully request Perma-Fix of South Georgia remain on the approval list for receiving Off-Site CERCLA waste.

If you have any questions regarding the above, please contact me by telephone at (407) 754-5413.

Sincerely,

Perma-Fix of South Georgia, Inc.

A handwritten signature in blue ink that reads "James Kreger". The signature is fluid and cursive, with the first and last names being clearly legible.

James Kreger, CHMM
Compliance Manager Southern Region

Enclosures

July 15, 2005

VIA FACSIMILE AND OVERNIGHT DELIVERY

Mr. Jack Cowart
Waste Management Division
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

RE: Notice of Unacceptability for
Perma-Fix of South Georgia in Valdosta, Georgia

Dear Mr. Cowart:

Please accept this letter as our written request for an informal conference regarding your intent to issue a "Notice of Unacceptability" for our Valdosta facility to receive CERCLA Off-Site wastes.

Perma-Fix of South Georgia (PFSG) would like to have the opportunity to demonstrate that conditions do not exist at the Valdosta facility that would render PFSG unacceptable for receipt of CERCLA generated waste.

If you have any questions regarding the above request, please contact me by telephone at (407) 754-5413.

Sincerely,

Perma-Fix of South Georgia, Inc.

James Kreger

James Kreger, CHMM
Compliance Manager Southern Region

*Telephone Call 2005/08/18
Rescinded request for meeting.
Will send letter explaining how
they have returned to physical
compliance.*

2005 JUL 19 P 3:17



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 07 2005

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Kreger
Compliance Manager
Perma-Fix Environmental Services
10100 Rocket Boulevard
Orlando, FL 32824

RE: CERCLA Off-Site Rule: Notice of Unacceptability for
Perma-Fix of South Georgia in Valdosta, Georgia
EPA I.D. No. GAD 093 380 814

Dear Mr. Kreger:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Region 4 has determined that conditions may exist at Perma-Fix of South Georgia (Perma-Fix) in Valdosta, Georgia which may render this facility unacceptable for the receipt of CERCLA off-site waste. The CERCLA Off-Site wastes to which this Notice of Unacceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule found at 40 C.F.R. § 300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

This determination of unacceptability will become effective sixty (60) calendar days from the issuance of this notice if EPA finds that the relevant violations and/or relevant conditions alleged in this notice are continuing. The Perma-Fix facility in Valdosta, Georgia will remain unacceptable until such time as EPA notifies the owner/operator otherwise.

On December 3, 2004, and on January 26, 2005, the Georgia Environmental Protection Division conducted RCRA inspections at the Perma-Fix facility located at 1612 James Rogers Circle in Valdosta, Georgia. Notices of Violation were issued on January 31, 2005 for the December 2004 inspection, and on April 18, 2005 for the January 2005 inspection. The specifics of the various violations cited in the State's Notices of Violation are incorporated here by reference.

Specifically the April 18, 2005 Notice of Violation cites two repeat violations:
(1) **Consent Order No. EPD-HW-1150 - Condition 21**- failure to operate and properly maintain the secondary containment for the tank system. This is also a violation of 40 CFR

264.193. (2) **Permit Condition Section II.B.8** - failure to properly mark hazardous waste containers.

Additionally, the two Notices of Violation document the following relevant violations: failure to maintain the integrity of containment systems of the container storage area, failure to comply with leak detection requirements for Subpart BB equipment, failure to keep containers closed as required by Subpart CC, and failure to comply with your waste stream approval process such that 14 drums of reactive hazardous waste were received. All of the violations referenced in this paragraph are permit violations and potentially could lead to a release of hazardous waste.

Such observations as described above demonstrate that conditions may exist at Perma-Fix which render this facility unacceptable for the receipt of off-site waste. Therefore, EPA must make the preliminary determination that Perma-Fix is not acceptable for the receipt of such waste.

The Off-Site Rule provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's unacceptable determination under the rule. **The written request for an informal conference must be made within ten (10) calendar days from the issuance of this notice.** Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the issuance of this notice, if possible. During the informal conference Perma-Fix may discuss with EPA the basis for the underlying violations and their relevance to the facility's acceptability to receive CERCLA cleanup wastes.


Perma-Fix may submit written comments within thirty (30) days from the issuance of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA during the sixty (60) calendar days after issuance of this notice. If Perma-Fix takes advantage of the opportunity to request an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform Perma-Fix of its decision after the informal conference and review of comments. Unless the information provided is sufficient to support an acceptable determination, the facility will become unacceptable on the 60th calendar day after issuance of the initial notice.

Within ten (10) calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an acceptable determination, Perma-Fix may request that the unacceptable determination be reconsidered by the Regional Administrator (RA). Reconsideration may be by review of records, by conference, or by other methods deemed appropriate by the RA. The reconsideration will be conducted within sixty (60) calendar days of the initial notice, if possible, and does not automatically stay the unacceptable determination beyond the sixty (60) day period. The owner/operator will receive notice in writing of the decision of the RA.

In the event the unacceptable determination becomes effective, Perma-Fix may then be considered for acceptability whenever EPA finds that it has fulfilled the criteria stated in 40 C.F.R. § 300.440(b). Upon such a finding, EPA shall notify Perma-Fix in writing.

If you have any questions concerning this notice, please contact Jack Cowart by telephone at (404) 562-8591 or by e-mail at cowart.jack@epa.gov.

Sincerely,


for Winston A. Smith
Director
Waste Management Division

Enclosure

cc: Mark Smith, Georgia EPD
Amy Potter, Georgia EPD

RECEIVED

2001 MAY 11 A 8:02

May 8, 2001

RCRA ENFORCEMENT
AND COMPLIANCE BRANCH

Mr. Richard D. Green, Director
Waste Management Division
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

**RE: CERCLA Off-Site Rule: Notice of Unacceptability for
Chemical Conservation of Georgia, Inc., Valdosta, Georgia
EPA ID No. GAD 093 380 814
Supplemental Information**

Dear Mr. Green:

I have been provided a copy of your letter dated April 13, 2001 to Mr. Micheal Downey of Perma-Fix of South Georgia, Inc. (f/k/a Chemical Conservation of Georgia, Inc.), concerning notification that the U.S. Environmental Protection Agency (EPA) has determined that conditions may exist at the facility which render it unacceptable for the receipt of off-site waste generated as a result of activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The letter of preliminary determination was received by Mr. Downey on April 16, 2001.

In accordance with the Off-site Rule (40 CFR 300.440), and on behalf of Perma-Fix of South Georgia, Inc. (PFSGI), I would like to submit the following comments and information to you in support of a determination of "acceptability" for the facility.

On June 1, 1999, Chemical Conservation of Georgia, Inc. was acquired by Perma-Fix Environmental Services, Inc. (PESI) in a stock and asset purchase transaction. On November 13, 2000, the name of the facility was changed to Perma-Fix of South Georgia, Inc.

Upon acquisition of the facility, PESI implemented certain facility management changes to insure proper operation and compliance with the facility permit and RCRA regulations. On June 19, 2000, a Consent Agreement was entered into with the State of Georgia (Consent Order #1393) for resolution of violations previously received by the facility. The violations resolved by Consent Order #1393 were received as a result of a May 27, 1999 inspection conducted at the facility.

Mr. Richard D. Green
May 8, 2001
Page -2-

In your letter to Mr. Downey, you listed the compliance history of the facility and the numerous violations of the facility permit and RCRA regulations, and the previous Consent Agreements entered into with the State of Georgia. While PFSGI cannot refute the violation history of the facility, PFSGI believes that the recent change in ownership warrants significant consideration in the ultimate determination of "acceptability" or "unacceptability" of this facility to receive CERCLA waste. Virtually all of the violations which were cited in your letter, and upon which EPA has, in part, based the preliminary determination of unacceptability, occurred prior to the acquisition of the facility by Perma-Fix Environmental Services, Inc.

The management of Perma-Fix Environmental Services, Inc. views as significant any violation received by one of its facilities and aggressively and pro-actively works to eliminate operational errors which lead to violations. Upon entering into Consent Agreement #1393, facility compliance personnel were informed of the seriousness of the violations and the fact that they appeared to be recurring in nature. Personnel were clearly informed of the consequences of repeat violations. Upon receipt of the latest inspection report (dated April 12, 2001) and the violations cited, facility compliance personnel were replaced and standard operating procedures rigidly enforced. Additional worker training was also conducted to eliminate those actions which led to the violations.

While PFSGI understands the applicability of relevant historic violations in the determination process, PFSGI believes that it should be evaluated on its own operational history and not that of the previous owner. To receive a determination of "unacceptability" after a single inspection (conducted on November 21, 2000) does not adequately assess the performance of the current owner and unduly punishes the current owner for poor management by the previous owner/operator.

As regards the issue of hazardous constituents having been documented in the ground water at the facility, PESI was aware of impacts to the ground water at the time of acquisition. The presence of solvent based organic materials beneath the concrete floor of an inactive portion of the plant (the historic tank farm area) and impacts to the ground water beneath the site were known to exist as early as 1987, when Chemical Conservation purchased the facility from Ramsey Chemical. Both the previous owner and PFSGI have actively worked toward resolution of the situation by conducting site investigation activities in the area of the historic tank farm, conducting remediation pilot test activities, proposing interim measures activities, and conducting permit required RCRA Facility Investigation (RFI) activities both on and off of the facility property. All of these activities have been conducted under the oversight of the State of Georgia, Department of Natural Resources, Environmental Protection Division (EPD). Further actions believed to be necessary by PESI are currently under review by Georgia EPD and should be implemented shortly.

Mr. Richard D. Green
May 8, 2001
Page -3-

PFSGI believes that the historic release should be deemed to be "controlled" since (i) the release investigation and control are part of a corrective action program including a Corrective Action Order and Permit required activities; (ii) the investigation and remediation activities are currently overseen by the State Regulatory Agency with oversight responsibility; and (iii) the Corrective Action Order and Permit require additional corrective action measures to be taken when necessary to resolve the issue.

PFSGI sincerely believes that it meets the acceptability criteria for receipt of CERCLA waste and that, based upon its short operational history of the facility, there are no relevant violations at or affecting the unit or units potentially receiving the CERCLA waste. Further, PFSGI believes that the historic release known to exist at the facility is governed by an enforceable agreement for corrective action. The corrective action is not under any pending administrative or judicial challenge and therefore, the known release meets the definition of "controlled" for the purpose of 40 CFR 300.440, relating to off-site response actions.

PFSGI hopes that these comments and supplemental information will be helpful in your review and that you will ultimately agree that the Perma-Fix of South Georgia, Inc. facility meets the acceptability criteria. If you have any questions on this matter, or if you require any additional information, do not hesitate to contact me 330.498.9750.

Sincerely,
Perma-Fix Environmental Services, Inc.



Thomas A. Trebonik, CPGS
Div. Vice President of Compliance, Safety & Health

Copies:
Jennifer Kaduck, Georgia EPD
Roger Randall, PESI
Chris Blanton, PFSGI



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ORIGINATORS COPY

4WD-RCRA

APR 13 2001
Received 4/16/01
by facility

Effective on
June 12, 2001
Tuesday

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Downey
Chemical Conservation of Georgia
1612 James Rogers Circle
Valdosta, Georgia 31601

RE: CERCLA Off-Site Rule: Notice of Unacceptability for
Chemical Conservation of Georgia in Valdosta, Georgia
EPA I.D. No. GAD 093 380 814

Dear Mr. Downey:

This letter is to notify you that the U.S. Environmental Protection Agency, Region 4 (EPA) has determined that conditions may exist at Chemical Conservation of Georgia (CCG), EPA ID number GAD 093 380 814, which render this facility unacceptable for the receipt of off-site waste generated as a result of removal and remedial activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This determination of unacceptability will become effective sixty (60) calendar days from the issuance of this notice if EPA finds that the relevant violations and/or relevant conditions alleged in this notice are continuing. CCG will remain unacceptable until such time as EPA notifies the owner/operator otherwise.

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. A copy of this rule is enclosed for your review.

On November 21, 2000, the Georgia Environmental Protection Division conducted a RCRA inspection at the CCG facility in Valdosta, Georgia. The inspection report issued from that visit details eight violations of Consent Orders 465, 549, 606, 1280 and 1393 referenced below; and three violations of RCRA. Many of the violations cited in these consent orders are

ones that also violate CCG's permit. Additionally, many of the violations cited in the November 21, 2000 inspection report have been repeated by CCG over the past 12 years. The specifics of the various violations cited in the State's inspection report are detailed in that report, and are incorporated here by reference.

On December 9, 1988, CCG and the Georgia Environmental Protection Division entered into **Consent Agreement 465** documenting eight violations of CCG's permit and five violations of the Resource Conservation and Recovery Act (RCRA).

On February 14, 1989, CCG and the Georgia Environmental Protection Division entered into **Consent Order 549** documenting ten permit violations and nine violations of RCRA.

On September 28, 1990, CCG and the Georgia Environmental Protection Division entered into **Consent Order 606** documenting 14 permit violations and 10 violations of RCRA. These violations include 13 repeat violations from Consent Order 465 and Consent Order 549.

On March 28, 1995, CCG and the Georgia Environmental Protection Division entered into **Consent Order 1150** documenting the release of hazardous constituents in the groundwater on CCG's property. These hazardous constituents include: 1,1 dichloroethane, toluene, benzene, 1,1 dichloroethylene, 1,2 dichloroethylene, tetrachloroethylene, trichloroethylene, 1,1,1 trichloroethane, and vinyl chloride.

On October 10, 1997, CCG and the Georgia Environmental Protection Division entered into **Consent Order 1280** documenting 14 permit violations and 7 violations of RCRA. These violations include numerous repeat violations from Consent Orders 465, 549 and 606.

On June 19, 2000, CCG and the Georgia Environmental Protection Division entered into **Consent Order 1393** documenting eight violations of Consent Orders 465, 549, and 1280; and six violations of CCG's permit.

The specifics of the various violations cited in Consent Order 465, Consent Order 549, Consent Order 606, Consent Order 1150, Consent Order 1280 and Consent Order 1393 mentioned above are detailed in those orders, and are incorporated here by reference.

Such observations as described above demonstrate that conditions may exist at CCG which render this facility unacceptable for the receipt of off-site waste. Therefore, EPA must make the preliminary determination that CCG is not acceptable for the receipt of such waste.

The Off-Site Rule provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's unacceptable determination under the rule. The written request for an informal conference must be made within ten (10) calendar days from the issuance of this notice. Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the issuance of

this notice, if possible. During the informal conference CCG may discuss with EPA the basis for the underlying violations, the release determination, and their relevance to the facility's acceptability to receive CERCLA cleanup wastes.

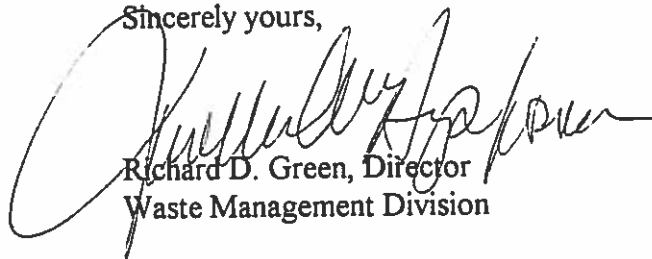
CCG may submit written comments within thirty (30) days from the issuance of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA during the sixty (60) calendar days after issuance of this notice. If CCG takes advantage of the opportunity to request an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform CCG of its decision after the informal conference and review of comments. Unless the information provided is sufficient to support an acceptable determination, the facility will become unacceptable on the 60th calendar day after issuance of the initial notice.

Within ten (10) calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an acceptable determination, CCG may request that the unacceptable determination be reconsidered by the Regional Administrator (RA). Reconsideration may be by review of records, by conference, or by other methods deemed appropriate by the RA. The reconsideration will be conducted within sixty (60) calendar days of the initial notice, if possible, and does not automatically stay the unacceptable determination beyond the sixty (60) day period. The owner/operator will receive notice in writing of the decision of the RA.

In the event the unacceptable determination becomes effective, CCG may then be considered for acceptability whenever EPA finds that it has fulfilled the criteria stated in 40 C.F.R. § 300.440(b). Upon such a finding, EPA shall notify CCG in writing.

If you have any questions concerning this notice, please contact Jack Cowart by telephone at (404) 562-8591 or by e-mail at cowart.jack@epa.gov.

Sincerely yours,



Richard D. Green, Director
Waste Management Division

Enclosure

cc: Jennifer Kaduck, Georgia EPD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 26 2001

ORIGINATORS COPY

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

*Extension until
July 12, 2001*

Mr. Albert Smith, Facility Manager
Perma-Fix of Georgia, Inc.
1612 James Rogers Circle
Valdosta, Georgia 31601

RE: CERCLA Off-Site Rule Extension
Perma-Fix of Georgia, Inc. in Valdosta, Georgia = *chemical conservation*
EPA I.D. No. GAD 093 380 814

Dear Mr. Smith:

In a Notice of Unacceptability (NOU) dated April 13, 2001, the Environmental Protection Agency (EPA) Region 4, informed Perma-Fix of Georgia, Inc. (Perma-Fix), that EPA had determined conditions existed at Perma-Fix (GAD 093 380 814) that may render Perma-Fix unacceptable for the receipt of off-site waste generated as a result of removal and remedial activities under the Comprehensive Environmental Response, Compensation, and Liability Act.

Based on recent telephone conversations with both the Georgia Environmental Protection Division (GA-EPD) and yourself, EPA believes that GA-EPD and Perma-Fix are in agreement on all outstanding issues, and will sign a Consent Order soon. Therefore, EPA is granting an extension of the NOU through July 12, 2001. If you should have any questions regarding this letter, please contact Jack Cowart at (404) 562-8591, or by e-mail at cowart.jack@epa.gov.

Sincerely,


A. Stanley Meiburg
Acting Regional Administrator

cc: Jan Simmons, GA-EPD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ORIGINATORS COPY

JUL 23 2001

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Albert Smith, Facility Manager
Perma-Fix of Georgia, Inc.
1612 James Rogers Circle
Valdosta, Georgia 31601

RE: CERCLA Off-Site Rule Extension
Perma-Fix of Georgia, Inc. in Valdosta, Georgia
EPA I.D. No. GAD 093 380 814

Dear Mr. Smith:

In a Notice of Unacceptability (NOU) dated April 13, 2001, the Environmental Protection Agency (EPA) Region 4, informed Perma-Fix of Georgia, Inc. (Perma-Fix), that EPA had determined conditions existed at Perma-Fix (GAD 093 380 814) that may render Perma-Fix unacceptable for the receipt of off-site waste generated as a result of removal and remedial activities under the Comprehensive Environmental Response, Compensation, and Liability Act. Based on recent telephone conversations with both the Georgia Environmental Protection Division (GA-EPD) and yourself, EPA believes that GA-EPD and Perma-Fix are in agreement on all outstanding issues, and will sign a Consent Order soon. Therefore, EPA is granting an extension of the NOU through August 11, 2001.

If you should have any questions regarding this letter, please contact Jack Cowart at (404) 562-8591, or by e-mail at cowart.jack@epa.gov.

Sincerely,

A. Stanley Meiburg
Acting Regional Administrator

cc: Jan Simmons, GA-EPD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ORIGINATORS COPY

4WD-RCRA

AUG 27 2001

2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Albert Smith, Facility Manager
Perma-Fix of Georgia, Inc.
1612 James Rogers Circle
Valdosta, Georgia 31601

SUBJ: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for
Perma-Fix of Georgia, Inc. in Valdosta, Georgia
EPA I.D. No. GAD 093 380 814

Dear Mr. Smith:

The U.S. Environmental Protection Agency, Region 4 (EPA) has made an **affirmative determination of acceptability** for the receipt of CERCLA Off-Site waste by Perma-Fix of Georgia, Inc. (Perma-Fix), in Valdosta, Georgia, EPA I.D. No. GAD 093 380 814. Such off-site waste is defined as those wastes generated as a result of activities authorized pursuant to, or funded by, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, by adding section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA section 121(d)(3), and incorporates many provisions of the November 13, 1987, Office of Solid Waste and Emergency Response Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard.

Pursuant to 40 C.F.R. § 300.440(f)(1), a facility found unacceptable to receive CERCLA off-site waste based on relevant violations or relevant releases may regain acceptability if the facility demonstrates to the EPA region its return to physical compliance for the relevant violations cited in the notice. Pursuant to 40 C.F.R. § 300.440(f)(5) an unacceptable facility may be reconsidered for acceptability whenever the EPA regional office finds that the facility fulfills the criteria stated in 40 C.F.R. § 300.440(b).

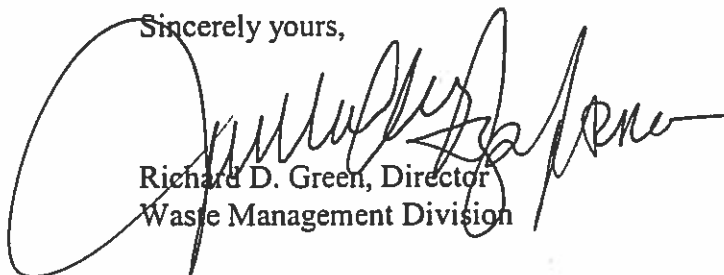
This affirmative determination of acceptability for Perma-Fix is based on the facility entering into a Consent Order with the Georgia Department of Environmental Protection. In that Consent Order all violations cited in EPA's Notice of Unacceptability of April 3, 2001, were addressed. Additionally, Perma-Fix has made the first payment of their penalty on schedule.

Therefore, effective upon the date of this letter, Perma-Fix is acceptable to receive CERCLA off-site waste.

The CERCLA off-site status for Perma-Fix will continue until EPA notifies you otherwise. Please note that the CERCLA off-site status for your facility is dynamic in nature, and is subject to change. Should any new information affecting this determination develop, EPA reserves its right to revisit this decision. Additionally, this determination does not supersede the requirements of Subtitle C of the Resource Conservation and Recovery Act for CERCLA wastes which are also hazardous.

If you have any questions concerning this notice, please contact Jack Cowart by telephone at (404) 562-8591 or by e-mail at cowart.jack@epa.gov.

Sincerely yours,

A large, stylized handwritten signature in black ink, likely belonging to Richard D. Green, is written over the typed name and title.

Richard D. Green, Director
Waste Management Division

cc: Jan Simmons, GA-EPD